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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,510	10/01/2003	Hyun-chul Song	Q76245	4248
23373	7590	09/19/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			DESIR, JEAN WICEL	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,510

Applicant(s)

SONG, HYUN-CHUL

Examiner

Jean W. Désir

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/12/06 (Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rzeszewski et al (US 5,917,481) in view of Kraft (US 6,535,229).

Claim 2:

Rzeszewski discloses:

An image displayer (Fig. 1) with a facilitated channel setting process, in which channels are set based on a pre-stored channel information (items 18, 14, 16), the image displayer comprising:

“a channel information storing unit for storing the pre-stored channel information”, see Fig. 1 items 18, 14, 16, col. 5 lines 21-28, col. 6 lines 42-45;

“an OSD (On Screen Display) processing unit for displaying an OSD menu which is configured based on the pre-stored channel information stored in the channel information storing unit”, see Fig. 1 items 14, 20, Fig. 2;

“and a controlling unit for looking up menu items displayed in the OSD menu and updating the pre-stored channel information stored in the channel information storing

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unit based on a changed channel information", see Fig. 1 items 14, 18, col. 5 lines 30-34, col. 5 line 57 to col. 6 line 6;

"wherein the OSD menu displayed by the OSD processing unit comprises: a broadcasting channel menu for displaying broadcasting channels corresponding to the pre-stored channel information; and a check box menu for selecting/un-selecting the broadcasting channels displayed in the broadcasting channel menu", see Fig. 2;

the only difference between the claimed invention and Rzeszewski's disclosure is that a "check box menu", as claimed, is not explicitly disclosed. However, Rzeszewski discloses, as pointed out above, broadcasting channel menu for displaying broadcasting channels corresponding to the pre-stored channel information; and check box menu is a notoriously well known feature (as evidence see Kraft at Figs. 1, 9, for instance) in the art used in graphical user interface (GUI) for purpose of selecting/un-selecting items. Because of these teachings, an artisan would be motivated to modify Rzeszewski's disclosure and implement this existing feature to arrive at the claimed invention, this implementation would provide an improved GUI for facilitating the selection/de-selection of channels. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 9 is rejected for the same reasons as claim 2.

3. Claims 3-7, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rzeszewski et al (US 5,917,481) in view of Kraft (US 6,535,229) and the admitted prior Figs. 1-3 discussed in the Background of the instant application.

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Claim 3:

The OSD (on screen display) menu of Rzeszewski's disclosure does not explicitly show a frequency menu for displaying frequencies as claimed in claim 3. However, the above implementation would have rendered the claimed invention obvious through the OSD processing unit, because it is a notoriously well known technique in the art to use OSD menu for frequencies displaying purpose, as evidence see admitted prior Fig. 3 item 42; an artisan would be motivated to modify the above implementation and further implement this existing technique to arrive at the claimed invention, because this technique is readily available to the designer and the implementation would provide a versatile channel setting system and facilitate the channel setting. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 4, 5 are disclosed, see admitted prior at Figs. 3, 2, and Rzeszewski at Fig. 2.

Claims 6, 7 are disclosed, see Background of the instant application page 1 paragraph [02] lines 6-10, page 2 paragraph [06].

Claims 10, 11, are rejected for the same reasons as claims 3, 4.

Response to Arguments

4. Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
Sep. 14, 06


DAVID OMETZ
SUPERVISORY PATENT EXAMINER